

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH

ARMSTRONG
TELECOMMUNICATIONS, INC., A
CORPORATION;

Plaintiff,

vs.

CHR SOLUTIONS, INC, A
CORPORATION;

Defendant/Counter
Plaintiff/Third-Party Plaintiff,

vs.

VANTAGE POINT SOLUTIONS, INC.,
And VIRGINIA GARDEA,

Third-Party Defendants.

2:18-CV-00787-MJH

MEMORANDUM ORDER

And now this 20th day of December, 2018, following careful review of the Complaint and Answer and Complaint to Join a Third Party and in consideration of the Motion to Dismiss by the Third-Party Defendant and the briefing attendant thereto, and having heard arguments of counsel on this date, this court concludes that the objections as to venue in relation to the confidentiality, nondisclosure and non-solicitation agreement are meritorious.

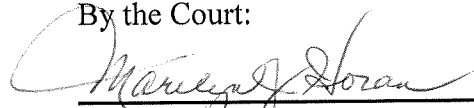
This court finds that the challenge to venue was not waived by the Third-Party Defendant in relation to their motion to dismiss insofar as the document containing the venue selection clause was not attached to the Third-Party Complaint.

In that regard, the venue jurisdictional provisions within said agreement control and this court is not the proper venue to address the issues concerning contractual rights pursuant to that

agreement. In that regard, Count III and Count V concerning issues germane to the agreement are stricken. As regard to the Motion to Dismiss, asserting lack of factual specificity concerning the remaining counts in the Third-Party Complaint, those issues relative to lack of specificity are meritorious. Accordingly, the Third-Party defense Motion to Dismiss concerning the remaining counts of the Third-Party Complaint are sustained.

CHR Solutions, Inc. is afforded opportunity to file its Amended Complaint. Said Amended Complaint shall be filed on or before January 22, 2019.

By the Court:



Marilyn J. Horan
United States District Judge